

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:15-cr-00127-MOC-DCK

UNITED STATES OF AMERICA,)
)
)
v.)
)
DANIEL HEGGINS,)
)
Defendant.)

ORDER

THIS MATTER is before the court on defendant's pro se filing entitled "Notice and Demand for Restoration of Property" (#93). Having considered defendant's motion and reviewed the pleadings, the court enters the following Order.

The court has determined that the pleading does not have the earmarks of a Section 2255 petition as required under Rule 2, Federal Rules Governing Section 2255 Proceedings, and will, in an abundance of caution, not construe it as defendant's one opportunity for a Section 2255 petition. In accordance with *Castro v. United States*, 540 U.S. 375 (2003), the court will advise petitioner of the correct method for filing a Section 2255 if he chooses that course of action.

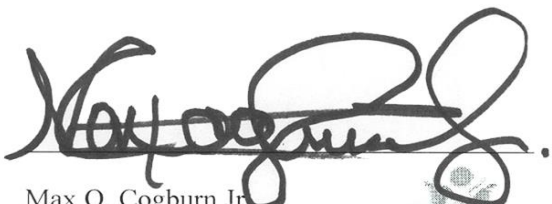
The court notes its earlier Orders (#87, #88, & #90) in this matter. *Inter alia*, Mr. Heggins again asks the court to return his property, which he alleges includes all documents bearing his signature. Mr. Heggins further argues that the government is depriving him of his own person, alleging that the government has deprived him of "the time, freedom, and

physiological body of one man.” (#566) at 1. This defendant has pled guilty, been sentenced, and is currently serving his federal sentence. As such, the arguments included in the pro se filing are again deemed to be frivolous.

ORDER

IT IS, THEREFORE, ORDERED that defendant’s Notice and Demand for Restoration of Property” (#93) is **DENIED** as **FRIVOLOUS** and requires no action from the court.

Signed: March 13, 2017



Max O. Cogburn Jr.
United States District Judge